

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

v.

CRIM. NO. 99-332(DRD)

MARC CLIFFORD COENEN

**DEFENDANT MARC CLIFFORD COENEN'S *SECOND* MOTION
REQUESTING EARLY TERMINATION OF SUPERVISED RELEASED
MADE PURSUANT TO 18 U.S.C. SECTION 3583 (e)(1)**

TO: THE HONORABLE COURT

COMES NOW defendant, **Marc Clifford Coenen**, through his undersigned attorney and respectfully alleges and prays:

1. Defendant was imposed a term of four years of supervised release.
2. Pursuant to 18 U.S.C. Section 3583 (e)(1), this court has the authority to terminate supervised release and to discharge a defendant after the expiration of one year of supervision. Mr. Coenen has been supervised for approximately 40 months by the U.S. Department of probation. The court, therefore, has an extensive record of compliance available to it. The defendant, however, cannot put this information before the court unless the court orders it provided.
3. In order to consider this second motion, Mr. Coenen respectfully urges the court to allow USPO Michael Parrish of Hollywood, Florida to send a summary

of Mr. Coenen's full compliance to the U.S. Department of Probation in Puerto Rico and to share said report with the court before it rules on his second request for the termination of supervised release. Mr. Coenen makes this specific request for the following reason.

4. On July 14, 2006, Mr. Coenen filed his first motion for termination of supervised release. (Dkt. No. 122.) The court held the motion in abeyance pending responses by the United States *and* from the official who has been supervising Mr. Coenen in Florida, USPO Michael Parrish. (Dkt. No. 125.) The District Court denied the motion exclusively on the basis of the government's boilerplate's response which recited the factors contained in 18 U.S.C. Section 3553 and which argued that the burden of production of said Section 3553 information rested only on defendant's shoulders. (Dkt. No. 129.) The information, however, is in the possession of the U.S. Department of Probation in Florida. Additionally, the government's motion made no mention of the fact that it had attempted to contact Mr. Coenen's Probation Officer or the local probation office to determine if Mr. Coenen had failed to comply. Its motion, indeed, did not allege that Mr. Coenen had failed to comply but termination was, nevertheless, denied.

5. No matter what Mr. Coenen alleges as to compliance, said allegations must be corroborated by the U.S. Department of Probation. USPO Michael Parrish of Hollywood, Florida is the only person qualified to provide this information to the court, yet, he was never permitted to respond and was never contacted by the United

States or counsel for the government or by the U.S. Department of Probation here in Puerto Rico. USPO Michael Parrish has been advised of this second motion. On information and belief, he remains willing to provide the court with the information responsive to the Section 3553 factors.

WHEREFORE Mr. Coenen respectfully requests that the court make the appropriate inquiry of USPO Parrish and that it order the termination of Mr. Coenen's supervised release term pursuant to 18 U.S.C. Section 3583 (e)(1), if appropriate.

At San Juan, Puerto Rico this 6th day of June, 2007.

RESPECTFULLY SUBMITTED,

S/ MARIA H. SANDOVAL
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CERTIFICATE OF SERVICE

I, hereby certify that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of filing to Assistant U.S. Attorney Scott Anderson, counsel of record and USPO Michael Parrish by fax at 954-967-9125.

s/ MARIA H. SANDOVAL

